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July 11, 2022

**VIA ECF**

Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Dunn et al. v. City of New York  
21-CV-09012 (DLC)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant writes on behalf of the parties to jointly request that the Court grant a one-month extension of all deadlines in the case, in order for the parties to be able to meaningfully engage in Court referred mediation.

By way of background, plaintiffs allege, *inter alia*, that the New York City Department of Correction provided inadequate conditions for plaintiffs and similarly situated incarcerated individuals. At the initial conference, held on May 26, 2022, the Court directed the parties to engage in informal discovery in June and July 2022, referred the parties to the Southern District's Court-annexed Mediation program in August 2022, ordered plaintiffs' Amended Complaint to be filed by June 24, 2022, and issued a briefing schedule for plaintiffs' motion for class certification, with plaintiffs' motion to be served by September 23, 2022, defendant's opposition served by October 28, 2022, and plaintiffs' reply served by November 18, 2022.

To date, the parties have been proceeding along with the Court's scheduled deadlines, and have begun to engage in settlement discussions with defendant exchanging some informal information and plaintiffs' providing an initial settlement demand. Plaintiff filed a First Amended Complaint ("FAC") on June 27, 2022, adding additional claims against defendant City, four additional putative class representatives, and seeking to extend the start of class period from April 1, 2021 back to November 2, 2018. (See ECF No. 27) In order for the parties to focus on settlement, defendant requested – and the Court granted – an enlargement of time to respond to the FAC to September 1, 2022. (See ECF Nos. 28 and 29)

The parties are now working on scheduling the Court-referred mediation. Given the considerable time it will take defendants to prepare a response to plaintiffs' demand, time constraints among the parties in scheduling the mediation in August given counsel for plaintiffs' vacation and an upcoming trial, as well as the parties' hopes to have a productive mediation, the parties jointly propose a one month extension of time of all deadlines scheduled by the Court. Accordingly, the parties propose:

- Defendant's response to plaintiffs' demand: from July 22, 2022 to August 22, 2022
- Court-Referred Mediation: from August 2022 to September 2022
- Defendant's Answer to the Complaint: from September 1, 2022 to October 3, 2022
- Plaintiffs' Motion to Certify Class: from September 23, 2022 to October 24, 2022
- Defendant's Opposition: from October 28, 2022 to November 28, 2022
- Plaintiffs' Reply: from November 18, 2022 to December 19, 2022

The parties thank the Court for its consideration herein.

Respectfully submitted,

/s/

John Schemitsch  
*Senior Counsel*

cc: VIA ECF  
All Counsel of Record

Granted. There shall be  
no extension of the  
October dates of 10/3, and  
10/24. The motion  
shall be fully submitted  
on 12/14/22.

*James C. Ke*  
7/11/22